

APPEAL RIGHTS

APPEALING A WORKER'S COMPENSATION DECISION OF THE LABOR AND INDUSTRY REVIEW COMMISSION TO A WISCONSIN CIRCUIT COURT

You may appeal the Commission decision to a Wisconsin circuit court. Read the decision carefully.
If you need this information translated to another language, please contact us at (608) 266-9850.

Any party aggrieved by the commission decision may commence a legal action for review of the commission decision in circuit court. The action must be commenced within 30 calendar days from the date of the commission decision. Such action is commenced only by filing a summons and complaint with the circuit court and serving an authenticated copy of the summons and of the complaint upon the commission, all within 30 calendar days from the date of the commission decision.

- Service must be made upon a commissioner of the Labor and Industry Review Commission or an agent authorized by the commission to accept service.
- The commissioners and authorized agents are located only in Madison at the address listed below. Service upon the commission shall be deemed complete service on all parties but there shall be left with the commissioner or authorized agent so served as many copies of the summons and complaint as there are defendants. Wis. Stat. § 102.23(1)(a). The pleadings may be mailed to the commission, but the service will only be effective if the pleadings are actually received by the commission within the appeal period. Service by facsimile (FAX) transmission is not sufficient to commence a court action.

For delivery by private carrier or service in person:

LABOR AND INDUSTRY REVIEW COMMISSION
3319 WEST BELTLINE HIGHWAY, 2 WEST
MADISON, WI 53713
Phone: (608) 266-9850

For delivery by U.S. Postal Service:

LABOR AND INDUSTRY REVIEW COMMISSION
P. O. BOX 8126
MADISON, WI 53708
Phone: (608) 266-9850

- The complaint shall state the grounds upon which review is sought.
- Any aggrieved party or parties appealing the commission decision must be named as the plaintiff or plaintiffs.
- The action must name the commission, and any adverse party or parties, as defendants. An adverse party is a party in whose favor the order or award was made. This includes every party whose interests are in conflict with the modification or reversal of the commission decision sought on appeal.

The proceedings shall be in the circuit court of the county where the plaintiff resides. Exceptions:

- If the plaintiff is a state agency, the proceedings shall be in the circuit court of the county where the defendant resides.
- If the plaintiff is a nonresident of Wisconsin, the proceedings shall be in the county where the claim arose.
- For other circumstances, venue shall be as set forth in Wis. Stat. § 801.50(2)(a).

The proceedings may be brought in any circuit court if all parties stipulate and that court agrees.

The judicial review provisions in Wis. Stat. ch. 227 (Administrative Procedure), § 801.02 (Civil Procedure) and ch. 799 (Small Claims) do not apply.

It is the responsibility of the appealing party to arrange for preparation of the necessary legal documents since neither the commission nor its representatives can assist in such preparation.